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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,234	12/21/2001	Andre Godin	P14788	3390

7590 10/28/2005
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EXAMINER

PEZZLO, JOHN

ART UNIT	PAPER NUMBER
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2662

DATE MAILED: 10/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

(X)

Office Action Summary	Application No. 10/024,234	Applicant(s) GODIN ET AL.	
	Examiner John Pezzlo	Art Unit 2662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,4,10,11,14,20,21 and 29 is/are rejected.
- 7) ☐ Claim(s) 2,3,5-9,12,13,15-19 and 22-28 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/24/2003</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

I. Claims 1, 4, 10, 11, 14, 20, 21, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henson et al. (EP 279,232 A2) hereinafter Henson.

1. Regarding claims 1, 11, and 21 – Henson discloses i) transmitting from second communications node to the first communications node a request for protocol supported by the first communications node, refer to Figures 3 and 4 and page 4 column 5 lines 30 to 58 and column 6 lines 50.

Henson does not expressly disclose ii) responsive to the request, transmitting a reply message comprising a parameter indicative of a Third Generation Partnership Project (3GPP) Technical Specification (TS) document number defining at least a protocol supported by the first communications node.

At the time of the invention, it would have been obvious to an ordinary person of skill in the art to provide Henson with the capability to responsive to the request, transmitting a reply

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message comprising a parameter indicative of a Third Generation Partnership Project (3GPP) Technical Specification (TS) document number defining at least a protocol supported by the first communications node. The suggestion/motivation for doing so would have been that Henson discloses determining the protocol version, which both the source and the destination have in common prior to the start of the data transfer, by extending this concept to the 3GPP protocol would extend the concept to the latest protocols as well as the legacy protocols to provide the users with the highest quality communications.

2. Regarding claims 4, and 14 – Henson does not expressly disclose the first communications node is a system management agent, and the second communications node is a system management manager of a management system.

At the time of the invention, it would have been obvious for a person of ordinary skill in the art to provide Henson with the first communications node being a system management agent, and the second communications node being a system management manager of a management system. The suggestion/motivation for doing so would have been that Henson discloses that the system works with clients and servers wherein the server could be a system management manager of a management system and some of the clients could be system management agents, refer to page 3 column 3 lines 30 to 42 and column 4 lines 25 to 46. The benefit being that the system would provide more capabilities for the users in managing their communications requirements.

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3. Regarding claims 10, 20, and 29 – Henson does not expressly disclose the parameter is indicative of a plurality of 3GPP TS document numbers identifying a plurality of protocols supported by the first communications node.

At the time of the invention, it would have been obvious to an ordinary person of skill in the art to provide Henson with the parameter that is indicative of a plurality of 3GPP TS document numbers identifying a plurality of protocols supported by the first communications node. The suggestion/motivation for doing so would have been that Henson discloses that the source and the destination determine the range of version numbers of the protocol that are common to source and the destination in order to optimize the communication which can be extended to the 3GPP protocols, refer to Figure 4 and page 4 column 6 lines 5 to 50.

Allowable Subject Matter

Claims 2, 3, 5-9, 12, 13, 15-19, and 22-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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1. Maes (US 6,934,756 B2) discloses a conversational networking via transport, coding, and control conversational protocols.
2. Rooke et al. (US 6,678,361 B2) discloses a method for delivering messages.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Pezzlo whose telephone number is (571) 272-3090. The examiner can normally be reached on Monday to Friday from 8:30 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C.

or faxed to:

(571) 273-8300

For informal or draft communications, please label "PROPOSED" or "DRAFT"

Hand delivered responses should be brought to:

Jefferson Building

2A15

500 Dulany Street

Application/Control Number: 10/024,234


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Alexandria, VA, 22313.

John Pezzlo

25 October 2005



JOHN PEZZLO
PRIMARY EXAMINER